

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

OCT 31 2016

Clerk, U S District Court
District Of Montana
Missoula

JOSEPH PORTER,

Plaintiff,

vs.

[UNIDENTIFIED DEFENDANT],

Defendant.

CV 16-128-M-DLC-JCL

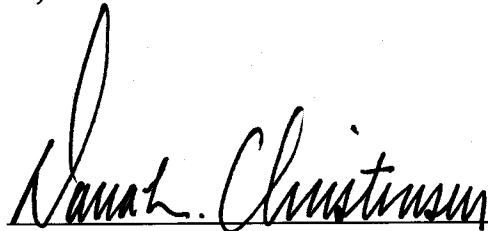
ORDER

United States Magistrate Judge Jeremiah C. Lynch entered findings and recommendations in this case on September 30, 2016, recommending that the Plaintiff Joseph Porter's ("Porter") action be dismissed for lack of jurisdiction. Porter did not object to the findings and recommendations, and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Lynch's conclusion that this matter be dismissed for lack of jurisdiction. Porter petitioned this Court for an order releasing confidential criminal justice information on September 28, 2016. Porter used a pre-printed form document used for filing in the courts of the State of Montana, but submitted his petition to this Court. In his petition, he identifies a police report, and 911 calls he and another person made on April 9, 2016. Porter does not name a defendant in his petition, nor does he advance any other legal claim for relief. Accordingly, the Court finds that it has no jurisdiction under federal question jurisdiction or diversity jurisdiction in this case.

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 3) are ADOPTED IN FULL. This case is DISMISSED. The Clerk of Court shall CLOSE this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 31st day of October, 2016.

A handwritten signature in black ink, reading "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court